United Nations S/2010/382

Security Council

Distr.: General
14 July 2010

Original: English

Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur

I. Introduction

1. The present report is submitted pursuant to paragraph 6 (c) of Security Council resolution 1881 (2009), by which the Council requested me to report every 90 days on the progress made towards the implementation of the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) across Darfur, as well as on the political process, the security and humanitarian situation and compliance by all parties with their international obligations.

2. The report, submitted ahead of the Council's review of the UNAMID mandate, provides an overview of developments and activities during the two-month period from 1 May to 30 June 2010. In addition, it provides an evaluation of the overall trends with respect to the situation in Darfur during the past year.

II. Political developments

Results of the national elections

3. The national elections held in April 2010 were a key development in the political life of the Sudan. On 20 May 2010, the National Elections Commission announced the parliamentary results for the general elections. Of the 67 per cent of eligible voters in Darfur who registered for the elections in December 2009, slightly less than one half actually voted. It is understood that participation by internally displaced persons was limited and that security issues also limited voting possibilities in areas controlled by non-signatory armed movements.

4. In the National Assembly, the National Congress Party (NCP) won 73 of the 86 seats allocated to Darfur. Of the remaining 13 seats, three remain vacant (in the constituencies of Tawilla/Korma and Mellit/Sayah in Northern Darfur and Kulbus/Sirba in Western Darfur), as polling was postponed owing to security reasons. Independent candidates won two seats, while the opposition Popular Congress Party, the Umma Federal Party and the Democratic Unionist Party won four, three and one, respectively. With 86 seats, representatives of Darfur constitute 19 per cent of the National Assembly.

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5. On 14 June, President Omer Al-Bashir appointed nine Darfurians to his Cabinet, five as ministers and four as State ministers (the previous Government included seven representatives of Darfur at the level of ministers and junior ministers). Two Darfurians have been given key portfolios as Ministers of Justice and of Finance and National Economy. President Al-Bashir began the appointment of his presidential advisers on 24 June by issuing a decree reappointing Mr. Nafie Ali Nafie and Mr. Musa Mohamed Ahmed as his assistants. However, the position of Senior Assistant to the President, established by the Darfur Peace Agreement and held by Minni Minnawi until the elections, had not been filled as at 30 June. Negotiations appear to be ongoing with regard to the possible reappointment of Minni Minnawi as Senior Assistant to the President and Chairman of the Transitional Darfur Regional Authority.

6. In the 48-seat State Legislative Assemblies in the three Darfur States, NCP won 42 seats in Northern Darfur, 43 in Southern Darfur, and 41 in Western Darfur. The remaining seats were shared among several opposition parties. Three seats remain vacant (in Kabkabiya, Northern Darfur; and in Kulbus South and Saraba East, both in Western Darfur) following the postponement of polling on security grounds. NCP candidates also won the gubernatorial elections in all three States of Darfur following a race that was tightly contested, in particular in Northern Darfur.

7. Neither the Sudan Liberation Movement of Minni Minnawi nor the signatories to the Declaration of Commitment to the Darfur Peace Agreement, with the exception of the Sudan Liberation Movement-Peace Wing, have succeeded in transforming themselves into political parties, owing to their failure to demobilize. Many members of those movements contested the elections under the umbrella of different political parties or as independent candidates. In this manner, members of Minni Minnawi's faction won two seats in the elections, one in the National Assembly and one in the Southern Darfur State Legislative Assembly.

8. With the overwhelming election of NCP representatives to Darfur seats at the State and national levels, it will be important for the newly elected officials to reach out to opposition parties in forming the new Government. Although it is still early, it should be noted that the Governors of the three Darfur States have already appointed new Cabinets, which are drawn almost exclusively from NCP. In a positive development towards political pluralism, on 13 June the Governor of Northern Darfur appointed several members of splinter factions of the National Umma Party as his advisers and as locality commissioners. Furthermore, the outgoing Wali of Western Darfur, a member of the Sudan Liberation Army-Mother — a signatory to the Declaration of Commitment — has been appointed State Minister at the Ministry of Youth and Sports in Khartoum.

Peace process

9. Following the signing of a Framework Agreement to Resolve the Conflict in Darfur between the Government of the Sudan and the Justice and Equality Movement (JEM) on 23 February 2010, and of the Framework and Ceasefire Agreements between the Government and the Liberation and Justice Movement (LJM) on 18 March 2010, early in April further negotiations were suspended as the Government withdrew its delegation for the electoral period. From early April until early June, the African Union-United Nations Joint Mediation, led by the Joint Chief Mediator Djibrill Bassolé, conducted a series of workshops aimed at enabling the

armed movements to strengthen their cohesion, and their capacity and readiness to engage in direct negotiations with the Government.

10. Since the signing of the Framework Agreement of 23 February, JEM and the Government have made no further progress towards a ceasefire implementation protocol or a final agreement. Initially, JEM refused to resume talks because of the Government's rejection of its demand that it be the sole representative of Darfur at the negotiating table and that the Government release some 100 JEM prisoners being held in Khartoum, 57 of whom were released by the Government of the Sudan on 24 February. Since the outbreak of armed conflict between JEM and the Sudanese Armed Forces (SAF) on 3 May, JEM announced to the media that it had frozen its participation in the negotiations and subsequently withdrew its delegation from the talks. On 19 May, the Chairman of JEM, Mr. Khalil Ibrahim, was detained at the airport in N'Djamena and denied entry into Chad. Following the incident, Mr. Ibrahim relocated to Tripoli, where he remained as at 30 June. While efforts continue to bring JEM into the talks, since that incident no progress has been made towards this end. On the ground, armed conflict continues between JEM and Government of the Sudan troops, in flagrant violation of the cessation of hostilities contained in the Framework Agreement.

11. On 6 June, talks resumed between LJM and the Government of the Sudan in Doha. The two parties agreed on a work programme and formed six committees to negotiate in the areas of power-sharing and the administrative status of Darfur; wealth-sharing, including land rights; compensation and the return of internally displaced persons and refugees; security arrangements; justice and reconciliation; and agreement and the resolution of disputes.

12. The Government and LJM have indicated their commitment to the achievement of rapid progress and the inclusion of civil society in the talks. On 3 July, the joint Government of the Sudan/LJM Committee on Compensation and the Return of internally displaced persons and Refugees met in the presence of 85 internally displaced people and refugees. The Joint Mediation, supported by UNAMID, facilitated their participation so as to ensure that they have both a voice in, and an understanding of, the negotiations directly concerning them. Government officials in the Sudan granted authorization to UNAMID flights three days after they were scheduled to depart, which delayed the start of the consultations. Following the intervention of senior Government officials, most of the 100 invited participants were able to attend, with the exception of those from Zalingei. The Government has committed itself to addressing such bureaucratic impediments, which raised concerns regarding the holding of the second civil society forum in Doha from 12 to 15 July and the signal it sends to the population.

13. Significant challenges remain in facilitating an inclusive and comprehensive settlement to the conflict in Darfur. In the coming weeks, the Joint Mediation will continue to support direct talks between LJM and the Government of the Sudan. At the same time, the Joint Mediation, with the support of UNAMID, will continue to bring civil society, internally displaced persons and refugee representatives into the discussions by working with these groups on the ground and by facilitating their participation in the talks in Doha. In the meantime, the Joint Mediation, in coordination with the UNAMID leadership and regional and other actors, will continue to engage JEM and the Sudan Liberation Army (SLA)-Abdul Wahid with a view to bringing them into the talks. While parallel discussions may take place with

the parties, with the participation of civil society, it is envisaged that such talks will eventually come together in common protocols and agreements. The Joint Mediation will also continue to work to promote the consolidation of improved Chad-Sudan relations.

14. During the reporting period, UNAMID continued to support the Joint Mediation for Darfur, in particular with regard to the participation of civil society in the peace process. In addition to supporting the direct involvement of Darfurians in the talks, UNAMID, in collaboration with the Joint Mediation, engaged in consultations with representatives of civil society and communities throughout Darfur. On 8 June, the Joint Special Representative and the Joint Chief Mediator held a meeting with 80 civil society members in Nyala, Southern Darfur, to discuss their concerns and the status of the peace process. Furthermore, in collaboration with the African Union High-level Implementation Panel, UNAMID plans to convene a Darfur-based consultative conference to further facilitate public agreement on issues related to the peace process. UNAMID is also providing expertise on ceasefire and other implementation mechanisms to the Joint Mediation in Doha.

Local-level conflict resolution

15. In my previous report (S/2010/213), I drew the Council's attention to the disconcerting trend of communal conflict in Darfur. Local-level conflicts are not a new phenomenon in the region, and their exploitation by the parties in the context of the military confrontation between rebel movements and the Government of the Sudan has been well documented. Local conflicts have been exacerbated in recent years by environmental degradation, demographic growth and the weakening of traditional conflict-resolution mechanisms. In addition, the conflicts have become increasingly lethal owing to the proliferation of weapons among communities in Darfur.

16. According to data gathered by UNAMID, tribal clashes resulted in 182 deaths in March, 212 in April and 126 in May 2010, compared with the total of 134 recorded by UNAMID during the whole of 2009. While UNAMID continues to support attempts at the local, State and federal levels to settle tribal clashes, the long-term solution depends on greater and comprehensive efforts by the Government to address the problems of scarcity and marginalization.

17. During the reporting period, the conflict between the Misseriya and Nawaiba tribes in Western and Southern Darfur continued to cause large numbers of casualties and significant population displacement. The fighting resulted in an estimated 126 casualties during the month of May, and 133 in June. The Misseriya and Nawaiba — both nomadic "Arab" tribes — are fighting over land that is fertile for grazing and abundant in water, along the border of Southern and Western Darfur. Prior to the eruption of war in 2003, that land was populated mostly by the Fur, the majority of whom are now living in camps for internally displaced persons. The diminished role of the native administration and the absence of State and local authority has minimized recourse to traditional conflict-reconciliation practices, as well as resource-management mechanisms. In addition, the loss of markets in rural areas, as a result of population displacement has exacerbated the competition for available economic resources. Banditry is now a common means of survival among both groups and a trigger of conflict.

18. In a welcome development, on 29 June a peace agreement was signed in Zalingei between the Nawaiba and Misseriya tribes following several weeks of negotiations launched on 3 June in the presence of the African Union-United Nations Joint Special Representative for Darfur. The reconciliation was brokered by the Government of the Sudan, with the Governor of Western Darfur presiding over the ceremony. The parties have committed to, inter alia, the disarming of all armed factions, the dismantling of roadblocks and the establishment of a security task force to restore law and order in Zalingei town and surroundings. This welcome development could contribute to increased security and stability around Zalingei.

19. As a contribution to addressing local-level conflicts, UNAMID is collaborating with the Nomad Development Council to map water pools and reservoirs (*hafir*) in Darfur. A total of 303 naturally occurring pools and 29 *hafirs* have been identified throughout Darfur and their coordinates noted. An additional 356 water points have also been identified for development along nomadic migration routes and in pastoralist and farming areas. The rehabilitation of reservoirs and water pools and the development of new water points could help resolve local-level conflicts and facilitate the symbiotic relationship between nomads, pastoralists and farmers.

III. Security situation

20. During the past year, the security situation in Darfur has remained volatile, with sporadic fighting, criminality, kidnappings, and attacks on United Nations peacekeepers and civilian personnel. Violence and insecurity have not spared any of the three Darfur States, with Jebel Marra, Jebel Moon and several parts of Southern Darfur among the most affected. The situation in the past several months has deteriorated significantly, in particular with the outbreak of sustained clashes between JEM and Government troops, continued sporadic clashes between SLA-Abdul Wahid and Government troops, and tribal clashes in the Zalingei corridor in Western Darfur.

21. In 2009, UNAMID recorded a total of 832 violent fatalities. Of those, 295 were conflict-related (armed/military confrontations between Government forces and armed movements); 369 resulted from criminality and murder; 134 were attributed to tribal clashes; and 34 resulted from accidents and other causes. The levels of violence in 2010 have so far been substantially higher than in 2009.

22. During the period from January to March 2010, the Sudanese Armed Forces engaged in clashes with SLA-Abdul Wahid in Jebel Marra and with JEM in Jebel Moon. Following a brief period of relative calm after the signing of the Government-JEM Framework Agreement and during the April elections, renewed fighting between SAF and JEM broke out on 3 May 2010 in the Jebel Moon area (Western Darfur), a traditional JEM stronghold. More than 400 conflict-related fatalities were recorded in May, primarily among combatants, making it the deadliest month in Darfur since UNAMID took over from the African Union Mission in the Sudan on 31 December 2007. The fighting, including aerial bombardment by SAF, has caused insecurity, displacement and the loss of livelihoods among the civilian population.

23. Sustained SAF ground attacks and aerial bombardments forced JEM to withdraw from Jebel Moon by 13 May, first south-east towards El Fasher (Northern

Darfur), and then south towards Shangil Tobaya (Northern Darfur). From Shangil Tobaya, the Movement split into two groups, one moving towards El Taweisha in Southern Darfur and the other further south towards Labado and Shaeria, in Southern Darfur, both headed towards Southern Kordofan and pursued by heavily reinforced SAF units. From 6 May, SAF and the National Intelligence and Security Service (NISS) advised UNAMID to suspend its patrols along those axes owing to the ongoing military operations. The inability of UNAMID to move freely remains in effect.

24. On 19 and 20 May, clashes between Government forces and JEM were reported in the areas of Um Sauna, Abu Sofian (north of El Daein, Southern Darfur) and Khazan Jadeed (north-east of Nyala, Southern Darfur). An unconfirmed number of Government troop casualties were observed at the El Daein and Nyala military hospitals. On 1 June, an SAF helicopter was shot at in the area of Jebel Adula (110 km north-east of Nyala), for which JEM claimed responsibility. The movement of equipment and the build-up of troops has been witnessed on both sides, and it is expected that the military confrontations will continue.

25. Reports received on 29 May indicated that, in an apparent attempt to take advantage of the Government's military engagement with JEM, SLA-Abdul Wahid forces in Jebel Marra had launched attacks on SAF positions in Kindigeer, Leiba and Deribat in Southern Darfur, all controlled by Abdul Wahid forces prior to February 2010. An unconfirmed number of casualties were reported on both sides. It remains unclear who is currently in control of the area.

26. The Government and armed movements have denied UNAMID access to the areas affected by the fighting and the civilians caught up in the violence. In May alone, UNAMID movement was restricted on 10 occasions, eight times by the Government of the Sudan, reportedly for security reasons. The movements also continued to refuse access to key areas affected by conflict, including Jebel Moon and Jebel Marra. On 30 May, NISS informed United Nations security officials that the Government would suspend all United Nations rotary-wing flights into Muhajeriya, El Daein and Shaeria (Southern Darfur) for a period of five days. On 31 May, the restrictions were expanded to include both Northern and Southern Darfur. On 14 June, the restrictions were lifted, except for Muhajeriya, El Daein and Labado. However, restrictions on United Nations rotary-wing flights between El Fasher and Nyala remain in force, with implications for UNAMID military operations. Moreover, some UNAMID fixed-wing flights in Southern Darfur also have been cancelled by the Government, causing disruptions to UNAMID civilian operations.

27. While the military situation on the ground remains fluid, confrontations continue in parts of Jebel Marra with SLA-Abdul Wahid forces and along the main supply routes from Khartoum to El Fasher and Nyala with JEM. Jebel Moon is, for the time being, relatively free of armed conflict.

28. The security situation for UNAMID personnel continued to be precarious during the reporting period. Strict regulations remained in place to mitigate the risk of UNAMID vehicles being carjacked, as heightened military confrontations increased the demand for four-wheel-drive vehicles among the belligerents. While necessary to ensure the security of personnel, the restrictions limit the mission's outreach to local communities and its capacity to fulfil its mandate.

29. During the current mandate period of July 2009 to July 2010, UNAMID peacekeepers were attacked on 28 occasions, leaving 10 dead and 26 injured, and, on two occasions, UNAMID personnel were kidnapped. Despite the demarches made thus far at the highest level, no one has been brought to justice for those crimes. In addition, during the mandate period, 54 United Nations personnel were subjected to incidents of banditry and criminality, and 53 vehicles were stolen from UNAMID and United Nations agencies.

30. During the past two months, UNAMID uniformed personnel were targeted on three separate occasions, and five peacekeepers were killed. On 7 May, a UNAMID military convoy was attacked near Katayla village (85 km south of Edd Al Fursan, Southern Darfur) by a group of unidentified armed men. Two UNAMID military personnel (Egypt) were killed in the exchange of gunfire and three others were injured. On 3 June, a UNAMID formed police unit patrol was intercepted and attacked by a group of unidentified armed men at the Dorti camp for internally displaced persons (five km north-east of El Geneina, Western Darfur). Two of its vehicles were stolen.

31. On 21 June, armed men in military fatigues attacked UNAMID troops guarding a construction site in Nertiti, Western Darfur. In the exchange of fire, three UNAMID military personnel (Rwanda) and three attackers were killed. One seriously injured UNAMID soldier was immediately evacuated to the Nyala level III hospital. The bodies of the perpetrators killed in the attack were handed over to Government police. The remaining attackers were pursued by UNAMID forces but managed to escape with one UNAMID vehicle. Possible links between the perpetrators and the Government of the Sudan Border Defence Forces are being investigated by UNAMID, together with the Government.

32. In response to those attacks, on 6 and 7 July 2010 the Joint Special Representative met with Government officials in Khartoum, including Vice-President Ali Osman Taha, the new Minister for Foreign Affairs, Ali Karti, and the new State Minister for Humanitarian Affairs, Mutrif Siddiq, to reiterate earlier demands that the Government conduct thorough and timely investigations into the attacks and criminal acts committed against UNAMID peacekeepers and prosecute and punish the perpetrators of the attacks. Vice-President Taha assured the Joint Special Representative that instructions had been handed down from the highest authorities to complete the ongoing investigations as soon as possible and to act swiftly to bring the perpetrators to justice. During the meetings, the Joint Special Representative also requested the Government to promptly address the issues of restrictions on the movement of African Union-United Nations and humanitarian personnel and restrictions on the use of UNAMID assets, notably the use of tactical helicopters during emergency situations.

33. The threat of abduction also continued in Darfur, where six kidnapping incidents occurred in the span of 16 months. On 18 May, three staff members of an international non-governmental organization, two local and one international, were abducted in Abu Ajura (near Nyala, Southern Darfur). The local staff members were released on 25 May, but the international staff member remains in captivity. On 22 June, a local security guard and two international staff members working for an international organization providing technical support to aid agencies were abducted from their guest house in Nyala by unidentified armed men. As at 30 June, the

workers were still missing, and efforts by the Government of the Sudan to secure their release were under way.

IV. Humanitarian situation

34. Some 2 million people — a quarter of Darfur's total population — are currently displaced and continue to rely on aid agencies for their survival. The level of population displacement in 2010 follows the trend of recent years, with an estimated 116,000 people displaced so far this year, compared with about 175,000 people displaced in 2009 and around 300,000 displaced in both 2007 and 2008.

35. In May 2010, the World Food Programme distributed food to more than 3 million people throughout Darfur, while over 250,000 intended beneficiaries were not reached owing to insecurity as well as the suspension of activities by an implementing partner because of security concerns. The scarcity of water in Darfur is growing, with reports of a significant number of wells drying up. The quality of service delivery has decreased owing to the expulsion in March 2009 of organizations specializing in water, sanitation and hygiene. In May, 99,000 households received support in the form of non-food items and emergency shelter in Darfur. In Southern Darfur, however, 61 per cent of locations were unreachable owing to lack of access and the increasing security concerns. In June, 70,000 households were provided support in the form of non-food items and emergency shelter.

36. Concerns surrounding the security situation and humanitarian access in Southern Darfur have intensified in recent weeks, following the abductions of three international humanitarian staff on 18 May and 22 June. The humanitarian community has had practically no access to Jebel Moon, Western Darfur, since July 2008. However, in May 2010, following the withdrawal of JEM from the area, the Government allowed inter-agency monitoring missions limited access to assess the humanitarian situation. It is estimated that about 4,000 to 6,000 people have returned to the area since Government forces took control of the territory, while more people continue to return ahead of the rainy season. Gaining access to Jebel Moon for the first time in two years, although only partially, is a positive development that could signal the expansion of humanitarian space in Western Darfur.

37. Access to Jebel Marra has been problematic since February 2010, owing to the general insecurity and the restrictions imposed by the Government and SLA-Abdul Wahid. Of the 41 humanitarian missions to eastern Jebel Marra that were attempted between early March and early June, 34 could not proceed. The few inter-agency assessments conducted thus far have mostly found towns emptied of inhabitants. No assessments have been permitted in areas controlled by SLA-Abdul Wahid, despite concerted negotiations with Government representatives at the State and federal levels. During a recent rapid assessment to Tabassa Ghareb, Tabassa Sharej and Derra East (controlled by the breakaway faction SLA/History), local community leaders estimated that 50,000 people had been displaced from Deribat and the surrounding areas since February 2010; those figures have not been verified. Following the renewed SAF aerial bombing of Deribat early in June, as well as the fighting and arson inside the town, reports of civilian casualties varied from 50 to 161 people. In addition to the lack of humanitarian assistance, upon which many

people had depended for years, a reported measles outbreak and the rise in malnutrition rates are likely to further exacerbate conditions.

38. In Northern Darfur, approximately 30,000 displaced people live in the lowland areas of eastern Jebel Marra; some 10,000 people have recently been displaced to the Zam Zam camp for internally displaced persons, near El Fasher. This has led to congestion and strain on the services in the camp. However, the Government of the Sudan has so far denied requests by the humanitarian community to open a new camp for internally displaced persons in the vicinity of Zam Zam.

39. The Government has promised to resume High-level Committee meetings, which have in the past proved useful in addressing security and humanitarian access issues. This should be encouraged. In addition, the second meeting of the joint verification mechanism for internally displaced persons was held in Khartoum on 2 May under the co-chairmanship of the United Nations Humanitarian Coordinator and the Humanitarian Aid Commissioner of the Government of the Sudan. It reviewed feedback from more than 100 assessment missions. Overall, the three Darfur States have witnessed little in the way of the permanent return of displaced populations during the last five months owing to a combination of rural insecurity and land tenure disputes, crop destruction, and a lack of rule of law and basic services in areas of origin. The vast majority of the returns monitored by international agencies have been seasonal in nature.

40. In the meantime, the United Nations country team and UNAMID are reviewing ways of helping the Government and local authorities take advantage of existing pockets of peace to stimulate livelihood opportunities and empower internally displaced persons to choose their own future. Considerable early recovery programming has been undertaken by United Nations agencies in recent years, in parallel with the delivery of life-sustaining humanitarian aid. In the context of its protection mandate, UNAMID is working to increase its support to the early recovery efforts of the United Nations country team, through the provision of a safe and secure environment on the main routes throughout Darfur and in areas emerging from conflict. For instance, three areas in Northern Darfur (Kuma Garadayat, Tangarara and Um Kedeldel), which have been determined by the International Organization for Migration to be appropriate for voluntary returns of internally displaced persons, are now included in UNAMID patrol schedules.

41. Meanwhile, UNAMID and the United Nations country team are continuing their discussions on how to maximize areas of mutual synergy across humanitarian assistance and recovery. In Northern Darfur, UNAMID is supporting the World Food Programme with the construction of 15 water reservoirs for rural communities. UNAMID is also providing security for a World Food Programme verification exercise to update the list of beneficiaries in camps for internally displaced persons.

V. Rule of law, governance and human rights

42. Rule of law and respect for human rights remained an issue of concern in Darfur during the past 12 months, in the context of intermittent military clashes leading to new population displacements and a generalized breakdown of law and order, providing fertile ground for opportunistic criminality. The culture of impunity, which is detrimental to the local population, is also a key contributing factor in attacks against UNAMID and humanitarian personnel. As noted earlier, no

perpetrator has so far been brought to justice following the three attacks on UNAMID personnel recorded in the past two months. In two previous cases (namely the attacks of 4 and 5 December 2009), the Government apprehended a number of suspects; however, a number of months after the incidents occurred, it remains unclear whether formal charges were brought against them and if any were found guilty and convicted.

43. Despite the recent elections, the anticipated opening of the democratic space and improvements in the observance of political rights and freedoms have not yet materialized. During the reporting period, UNAMID documented 30 cases of arbitrary arrests, due mostly to individuals' political affiliations or alleged links with armed movements. That trend is consistent with the rate of arbitrary detentions documented in the pre-electoral and electoral periods. The extensive powers of the National Intelligence and Security Service and Military Intelligence continued to obstruct the full exercise of political rights in Darfur.

44. UNAMID has worked to increase the knowledge and capacity of the relevant State actors and civil society to protect and promote human rights, including the fight against sexual and gender-based violence. In the period under review, approximately 1,000 State and civil society actors benefited from the capacity-building and awareness-raising activities carried out by UNAMID. During the reporting period, UNAMID provided training to Government of the Sudan police on international standards in the areas of human rights, sexual and gender-based violence, the detention and treatment of suspects, criminal investigation and crime-scene management. UNAMID also established dedicated training centres for Government of the Sudan police in all three States of Darfur. The establishment of human rights sub-forums in Western and Northern Darfur, aimed at increasing cooperation between UNAMID and the Government on human rights issues, has been a further positive step. However, a sub-forum has yet to be established in Southern Darfur, and the Darfur-wide forum has been repeatedly postponed.

45. Notwithstanding those achievements, the record of Sudanese State institutions remains mixed. Various State structures, including the Sudanese Armed Forces, the National Intelligence and Security Service and the police continue to be implicated in cases of human rights violations, complicating local-level efforts by some departments to rebuild the trust of the local population. The heavy-handed nature of the response of Government security institutions was evident during the peaceful demonstrations held in El Fasher, Northern Darfur, on 2 May 2010 in response to a failed pyramid scheme that saw large numbers of citizens lose significant amounts of money. In the course of securing the protest, the Sudanese Armed Forces shot and fatally wounded seven demonstrators.

46. The mission has contributed to the increased protection of civil and political rights and to the regular monitoring and reporting of cases of arbitrary arrest and illegal detention. Twelve of the 18 internally displaced persons from the Abu Shouk and Al Salam camps who had been arrested on 2 August 2009 under article 130 of the Sudanese Criminal Code of 1991 have been released after UNAMID intervened with Government authorities. The remaining six continue to be detained under the emergency law.

47. Following the signing of a memorandum of understanding between UNAMID and the Government of the Sudan prisons authority on 21 February 2010, UNAMID has had access to all Government-operated prisons in Darfur and has been able to

implement a number of projects, including training and capacity-building programmes.

48. UNAMID also continued to engage with the Sudanese judiciary at the local level. As a result, UNAMID has been monitoring trials in court and is providing technical support for the establishment of a legal aid unit at the Ministry of Justice in Northern Darfur. UNAMID also plans to conduct an independent needs assessment of the justice sector across Darfur, on the basis of which it will seek support for long-term projects in the justice sector.

49. Another area of particular concern is sexual and gender-based violence, which is generally perpetrated by men in military uniform. During the reporting period, UNAMID documented 16 cases of sexual and gender-based violence involving 24 victims in various parts of Darfur, comprising two gang rapes, eight rapes, one attempted rape, one case of physical assault and four cases of harassment. The alleged perpetrators were Government of the Sudan police in one case, Sudanese Armed Forces in three cases and unidentified armed men in uniform in 12 cases. In addition, UNAMID received from local interlocutors information on gender-based violence committed by Sudanese Armed Forces and other armed men in unidentified military attire during military operations around Jebel Moon. Owing to the lack of access to the area, UNAMID was not able to confirm that information.

50. A lack of accountability and the persistent climate of impunity continue to create an environment conducive to the perpetration of sexual and gender-based violence and other human rights violations. As in previous reporting periods, the lack of access for verification and the social stigma, which leads to a serious underreporting of this type of crime, suggests that the actual numbers are significantly higher.

51. UNAMID is currently developing the mission's comprehensive strategy on sexual and gender-based violence prevention and response in consultation with United Nations agencies in the Sudan and Darfur as part of its support for the protection of women and girls in conflict. In Northern Darfur, UNAMID has established a sexual and gender-based violence case coordination and analysis group to streamline the process of the verification, reporting and analysis of incidents at the sector level and to produce monthly reports on the status of such cases.

52. UNAMID police gender officers and military observers have increasingly become the first points of contact for victims of sexual and gender-based violence, especially during the conduct of daily patrols. UNAMID has therefore intensified its advanced training courses on gender mainstreaming for UNAMID police and military components, with a view to equipping them to deal with gender-based violence cases and gender-related issues in communities.

53. On 23 May 2010, representatives of UNAMID, the United Nations Mission in the Sudan and the United Nations Children's Fund held a meeting with the Sudanese Armed Forces in Khartoum to discuss the preparation of and the commitment to an action plan aimed at ending the use of child soldiers. The meeting coincided with the release of my annual global report on children and armed conflict for 2010 (A/64/742-S/2010/181), in which the Sudanese Armed Forces and armed groups in the Sudan have been listed for using child soldiers since 2005. Army representatives agreed to establish, with UNAMID assistance, an action plan that would end the association of children with armed elements, extended to proxy groups.

54. The mission's dialogue with armed groups regarding the recruitment and use of child soldiers had success during the reporting period. On 9 April 2010, the Sudan Liberation Army-Abu Gasim faction in Western Darfur issued a command order prohibiting fighters from recruiting and using child soldiers. On 14 June 2010, the Sudan Liberation Army-Free Will faction submitted its own action plan, which is to be implemented by January 2011.

VI. UNAMID deployment and operations

55. As at 28 June 2010, the strength of the UNAMID military component stood at 17,308, representing 88 per cent of the authorized strength of 19,555. This included 16,747 troops, 312 staff officers, 66 liaison officers and 183 military observers. The advance party of the second Senegalese infantry battalion arrived in Darfur on 17 May 2010, increasing the number of infantry battalions in UNAMID to 17 of the mandated 18.

56. Also as at 28 June 2010, the strength of the UNAMID police component stood at 2,648 individual police advisers — or 70 per cent of the mandated strength of 3,772 — of whom 327 are women. The number of female officers is steadily rising as a result of the active recruitment of women. Thirteen of the 19 authorized formed police units are deployed in the mission area. The total formed police unit personnel strength stands at 1,819, or 68 per cent of the authorized strength of 2,660. The six remaining formed police units should have arrived by the end of 2010.

57. Also as at 28 June 2010, the number of UNAMID civilian personnel stood at 4,208 (1,119 international staff, 2,654 national staff and 435 United Nations Volunteers). This represented 76 per cent of the approved strength of 5,546. The mission continues to face difficulties in recruiting and retaining suitably qualified staff, owing to the harsh living conditions and the unpredictable security situation in Darfur. Since January 2008, 193 potential candidates have declined offers of appointment.

58. The eighth tripartite coordination mechanism meeting was hosted by the African Union in Addis Ababa on 10 May 2010. The meeting led to agreed outcomes in relation to security, medical evacuation, investigations into security incidents, restrictions on UNAMID movements, tactical helicopters, visas, the mission's radio licence, land for the construction of community policing centres, and recruitment. It was also agreed that the mechanism should focus in future on operational effectiveness and that meetings should be held every three months, complemented by monthly working-level meetings on operational issues. The next meeting is scheduled to be held in New York in September 2010.

59. Following the eighth tripartite meeting, the Government of the Sudan issued 838 new entry visas to UNAMID personnel during the period from May to June 2010. As at 28 June, 70 visa applications were pending.

60. However, the continued imposition by the Government of the Sudan of restrictions on UNAMID freedom of movement is of concern. From 29 May to 14 June 2010, the Government placed a ban on United Nations helicopter flights (military or civilian) in and out of Nyala, Southern Darfur, on security grounds. Following a meeting in Khartoum between the Joint Special Representative and Vice-President Taha, the blanket restriction on flights was lifted on 14 June 2010.

However, the following day, rotary-wing aircraft flights from Nyala to Muhajeria, Shaeria and El Daein, where military operations were believed to be ongoing, were denied security clearance. Since then, flight restrictions to specific locations have continued on a daily basis. Additionally, UNAMID has faced restrictions on the conduct of night patrols in urban areas.

61. The Ethiopian tactical helicopter unit was deployed in Nyala on 16 February 2010. Following an inspection by the Civil Aviation Authority of the Sudan, the helicopters were cleared to fly on 4 March 2010 and performed their initial flight on 8 April 2010. However, between March and June, the tactical helicopter unit was allowed to conduct only 94 flights, and more than 90 flights were denied by the Government. The authorized flights were limited to training, crew currency and area familiarization. Moreover, the helicopters were flown without weapons, pending approval by the Government of the Sudan of the relevant standard operating procedures. While the Government agreed to hasten its response on the standard operating procedures, no progress had been achieved as at 30 June. Overall, flight cancellations due to Government restrictions are on the increase, having risen from 21 per cent in May to 77 per cent in June 2010.

62. Despite the agreement with the Government of the Sudan on the requisite and unconditional employment of helicopters during emerging crisis situations, no practical results have been registered. During the 7 May incident, in the course of which a UNAMID military patrol was attacked south of Edd Al Fursan, Southern Darfur, UNAMID was allowed to conduct a casualty and medical evacuation flight after a delayed clearance, but did not receive permission to use the tactical helicopters for that emergency situation. Likewise, when UNAMID troops were attacked at Nertiti on 21 June 2010, the Government of the Sudan local authorities at Nyala and El Fasher did not provide flight clearances, thereby denying UNAMID the opportunity to pursue the assailants and search for the missing vehicle in a timely manner. This issue has been repeatedly raised with the Government of the Sudan, both by UNAMID, at ministerial levels in Khartoum, and by the Secretariat, through the Permanent Mission of the Sudan to the United Nations. On 2 July 2010, the Force Commander met Sudanese General Magzoub Rahma to reiterate the mission's concern over movement restrictions and was assured that the Government would take the measures necessary to lift both air and land restrictions.

63. UNAMID also continues to experience the adverse operational effects of shortfalls in essential military aviation capability, in particular with regard to the 18 medium-utility helicopters and a fixed-wing aerial reconnaissance unit for which no pledges have been received. The combination of those shortfalls with the longstanding delays in the deployment of two pledged infantry companies is limiting the monitoring and verification activities of UNAMID and hindering its quick-reaction capabilities. With the exception of the Rwandan equipment received on 8 March 2010, the self-sustainment capability of most infantry units in Darfur remains a significant challenge. There is an urgent need for the international community and UNAMID partners and donors to step up their commitment to help to correct the shortfalls and gaps in capacities.

64. In this challenging operational environment, UNAMID continued its efforts to discharge its mandate to facilitate a secure environment and protect civilians. To that end, the UNAMID military component conducted a total of 1,404 routine patrols, 236 short-range patrols, 141 long-range patrols, 392 night patrols,

89 humanitarian escorts and 266 logistics/administrative patrols, covering 2,066 villages and camps for internally displaced persons during the reporting period. UNAMID police conducted a total of 5,345 patrols, including firewood, farm, confidence-building and monitoring patrols. A total of 690 long- and medium-range patrols were conducted to camps for internally displaced persons and to villages.

65. The number and scope of long-range patrols was gradually expanded in order to open up more land routes, assess security conditions and establish communication with more communities. UNAMID patrols provided much-needed escorts to local people conducting livelihood activities, such as fetching water and collecting firewood, and protection for commercial traffic and aid convoys along supply routes. UNAMID regularly adjusted its patrol schedule to respond to individual requests for increased protection from communities, including in camps for internally displaced persons. UNAMID team sites also continued to provide emergency medical assistance in remote areas lacking medical services. The total number of patrols for the month of May decreased compared with preceding months, owing to restrictions on movement imposed by the Government in the context of ongoing military operations.

66. UNAMID has recruited a total of 5,674 community policing volunteers, 2,118 of whom it has trained. UNAMID will continue to maintain this momentum, identifying new volunteers and leveraging resources and partners to increase capacity to provide training. Fifty community policing centres are now operational, three more than during the previous reporting period, covering 156 camps for internally displaced persons. Plans are under way to establish another 20 centres, to reach a total of 70. In addition, 56 community safety committees are now operational in camps for internally displaced persons throughout Darfur.

67. During the reporting period, UNAMID destroyed 51 unexploded ordnance devices, delivered risk-education lectures about such devices to a total of 1,000 Darfur civilians and surveyed 478 km of roads for possible contamination by unexploded ordnance. The mission responded to threats of unexploded ordnance identified by various local communities by conducting emergency assessments covering 34,750 m^2 of land. The recent resurgence of military confrontation has led to the recontamination of previously cleared areas. Areas where fighting took place, such as El Daein, El Taweisha, Jebel Moon, and Umm Kaddada will therefore need to be reassessed.

68. UNAMID continued its activities to mitigate the stresses that its deployment and operations have placed on the fragile environment of Darfur. As of June 2010, UNAMID had identified 76 potential drilling sites in and around its team sites. Fifteen of the sites have been developed, and the water extracted is being shared with the local communities. Through the quick-impact project mechanism, 23 water projects worth more than $330,000 have been approved and are being implemented. An international water conference for Darfur, aimed at facilitating the mobilization of resources, is planned for early November 2010.

69. The cumulative total of quick-impact projects for the period from 2008 to 2010 stands at 444, of which 79 have been physically and administratively completed, pending financial closure. The implementation of quick-impact projects was ongoing during the reporting period. The main implementation challenges are security and compliance with United Nations rules and regulations by local implementing partners with weak capacity. Areas where security phase IV is in

effect in Southern, Northern and Western Darfur continue to be inaccessible to the monitoring teams.

VII. Financial aspects

70. The General Assembly, by its resolution 64/285 of 24 June 2010, appropriated the amount of $1,808.1 million for the maintenance of the Operation for the period from 1 July 2010 to 30 June 2011. Should the Security Council decide to extend the mandate of the Operation beyond 31 July 2010, the cost of maintaining UNAMID would be limited to the amount approved by the General Assembly for the 2010/11 financial period.

71. As at 31 May 2010, unpaid assessed contributions to the special account for the Operation amounted to $93.2 million. The total outstanding assessed contributions for all peacekeeping operations at that date amounted to $1,371.8 million.

72. Reimbursement of troop- and police-contributing Governments for troop and formed police costs, and for contingent-owned equipment costs, has been made for the periods up to 31 May 2010 and 31 March 2010, respectively.

VIII. Observations

73. It has been more than six years since the situation in Darfur came to the forefront of the Security Council's agenda. The conflict in Darfur remains among the most complex facing the international community. For several years, progress towards ending the crisis in Darfur has been fluctuating. In spite of the best efforts of the African Union-United Nations Joint Mediation, since the Darfur Peace Agreement of 2006, attempts to generate broader buy-in for a negotiated peace have remained frustrated by the fragmentation of Darfur's armed movements and by ongoing military operations on the ground, which have caused additional displacement and suffering among the civilian population and further undermined trust between the parties and exacerbated their intransigence with regard to the peace negotiations.

74. 2010 has seen some indicators of progress, but these were followed by renewed conflict. On 15 January, the Governments of the Sudan and Chad took an important step forward to improve their relations by signing a protocol on border security. The Joint Border Force, established in February 2010, is noted as having had a positive impact in terms of security and opening cross-border trade and movement. I congratulate the two Governments on that initiative. In May, the President of Chad, Idriss Déby Itno, paid his second visit in three months to Khartoum, further cementing the reconciliation. In April, elections were held in a largely peaceful atmosphere in Darfur.

75. In May, however, with the elections over, violence flared between Government forces and JEM troops in flagrant breach of their commitment to cease hostilities signed in February, causing May to be the deadliest month since the establishment of UNAMID in 2007. Meanwhile, throughout the first half of 2010, tribal conflict, displacements, criminality and violations of human rights continued to cause untold suffering. During the same period, five UNAMID peacekeepers were killed in

violent attacks, and several others were injured, abducted or detained. These are not signs that peace in Darfur is being pursued with seriousness and in good faith.

76. I welcome the commitment of the Government of the Sudan and LJM to negotiate a comprehensive agreement with the participation of civil society, under the auspices of the African Union-United Nations Joint Chief Mediator, Djibrill Bassolé. I am concerned, however, that the withdrawal of JEM from the peace talks in Doha has undermined the goal of an inclusive and rapid resolution of the Darfur conflict. Without an inclusive and comprehensive peace agreement in Darfur, as Southern Sudan heads towards a referendum on its future status, there is a risk of increasing instability in the Sudan. I therefore once again strongly urge the Government of the Sudan and the Justice and Equality Movement to immediately cease their ongoing military confrontation and commit to the peace process under the Joint Chief Mediator. I also call on SLA-Abdul Wahid to rejoin the talks. For its part, UNAMID will continue to support the Joint Chief Mediator and work to ensure that the content of the Doha negotiations is transparent to the people of Darfur and the peace process has the support of the Darfurians.

77. The African Union-United Nations Joint Mediation cannot succeed in this effort, however, without united international support. I reiterate my call on those Member States with influence over the parties to engage with them and encourage them to agree on a definitive political solution which addresses the legitimate political and economic grievances of the Darfurians as soon as possible before the Southern Sudan referendum. This is a shared objective of the African Union and the United Nations in the Sudan, which received endorsement from a wide set of regional and international stakeholders during the first meeting of the African Union-United Nations Consultative Forum, held in Addis Ababa on 8 May.

78. UNAMID has now been on the ground for two and a half years. During that period, I have kept the Council informed of the unprecedented challenges associated with deploying the largest and most complex peacekeeping mission the Council has authorized to date into a harsh climatic environment and a situation of ongoing conflict. Now, with more than 17,000 troops and over 4,000 police personnel deployed, the focus has by necessity shifted from the deployment of the mission to the harnessing of its military, police and civilian resources for the benefit of Darfur. The mission's military component provides escorts to increasing numbers of Darfurians and support to the humanitarian community in delivering aid to those in need. There are now regular patrols of thousands of kilometres of road, providing an active deterrent to opportunistic violence and crime. Recently, from 19 to 27 June, the UNAMID military component, accompanied by the mission's tactical helicopters and joined by the Force Commander from 25 to 27 June, conducted a long-range patrol through Northern and Western Darfur, covering a distance of more than 1,000 km.

79. UNAMID police have pioneered the concept of community policing inside camps for internally displaced persons, including patrols 24 hours a day, seven days a week, in 18 camps, and they are also present in many vulnerable communities throughout Darfur, serving as a first point of contact on security issues and a bridge between citizens and State security institutions. They have built working relationships with their Government counterparts, strengthening the local capacity to prevent crimes in accordance with international norms and standards. UNAMID civilian components provide support on a daily basis to Darfur communities and

local institutions, including civil society groups, the Transitional Darfur Regional Authority, locality commissioners, the native administration and community leaders.

80. UNAMID must continue to expand the work that it has painstakingly begun amid conditions of extreme insecurity, so that these positive developments can be converted into lasting improvements. It is in this context that I recommend to the Council the renewal of the mission's mandate for another year. However, if the potential of the mission is to be maximized, it is essential that Sudanese authorities show greater commitment in practical terms towards providing an enabling environment for UNAMID. This includes Government follow-up to attacks on United Nations personnel to bring the perpetrators to justice and send a clear message that attacks against peacekeepers — which constitute war crimes — are not tolerated.

81. The Government and armed movements must also immediately cease restrictions on the freedom of movement of UNAMID. The Government must also remove all obstacles to the use of UNAMID aerial assets, including the military helicopters stationed in Nyala. Government restrictions on the helicopter unit have significantly hindered the mission's military operations and capacity to respond to armed threats and emergency medical evacuation needs. UNAMID peacekeepers wounded in recent attacks bled to death when rapid response and medical evacuation flights were denied authorization. That must never happen again.

82. Finally, it is important to reiterate the Government's primary responsibility to address the root causes of the conflict in Darfur, namely the political and socio-economic marginalization of the region. UNAMID has an important role to play in providing a secure environment conducive to voluntary returns and to support the United Nations country team's efforts to stimulate livelihood opportunities. But none of this can compensate for the responsibility of the Government to scale up its investments in Darfur and to further the development of the region and the empowerment of its people. Beyond its commitment to the Doha peace process, I urge the new Government of the Sudan to take unilateral steps to address the needs of marginalized groups in Darfur and end the conflict.

83. I would like to end by expressing my appreciation for the dedicated service of the African Union-United Nations Joint Special Representative Ibrahim Gambari and the African Union-United Nations Joint Chief Mediator Djibrill Bassolé, as well as all military, police and civilian personnel serving in Darfur.

United Nations S/2010/383

Security Council

Distr.: General
17 June 2010

Original: English

Report of the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 17 June 2010 from the United States Mission to the United Nations stating that Mr. William Kevin Grant has been appointed alternate representative of the United States of America on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

10-45382 (E) 150710

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United Nations S/2010/384

Security Council

Distr.: General
15 July 2010

Original: English

Letter dated 9 July 2010 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1315 (2000) of 14 August 2000, by which the Security Council requested the Secretary-General to negotiate an agreement with the Government of Sierra Leone to create an independent special court to prosecute persons bearing the greatest responsibility for the commission of crimes against humanity, war crimes and other serious violations of international humanitarian law, as well as crimes under relevant Sierra Leonean law committed within the territory of Sierra Leone.

Pursuant to resolution 1315 (2000), the United Nations and the Government of Sierra Leone concluded an agreement establishing a special court for Sierra Leone on 16 February 2002. The Special Court has since prosecuted and convicted eight persons. One person indicted by the Special Court remains at large; and the Special Court is conducting its only remaining trial, against Mr. Charles Taylor, former President of Liberia. The most recent projections indicate that the trial could be completed around June 2011 and an appeal, if any, around February 2012. In accordance with article 23 of the Agreement, the Agreement will be terminated upon completion of the judicial activities of the Special Court.

Some essential tasks must continue to be carried out after the closure of the Special Court. These tasks are: conducting the trial of the fugitive or referring his case to a national jurisdiction; maintaining, preserving and managing archives; providing for witness and victim protection and support; responding to requests for access to evidence by national prosecution authorities; supervising the enforcement of sentences of convicted persons; reviewing convictions and acquittals; conducting contempt of court proceedings; providing defence counsel and legal aid; responding to requests from national authorities with respect to claims for compensation; and preventing double jeopardy.

These tasks cannot be handed over to national institutions owing to various legal and practical considerations. Instead, they have to be done by a small and cost-effective international residual mechanism established jointly by the United Nations and the Government of Sierra Leone. It is envisaged that the residual mechanism, like the Special Court, would be funded from voluntary contributions by Member States.

For this purpose, I intend to seek to negotiate and conclude with the Government of Sierra Leone an agreement establishing a residual mechanism for the Special Court for Sierra Leone, and a statute of the residual mechanism.

10-45394 (E) 150710

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I should be grateful if you could confirm that the Security Council is agreeable to this manner of proceeding. Upon receipt of such confirmation, I will proceed promptly to open the negotiations with the Government of Sierra Leone with a view to concluding negotiations and signing the agreement as a matter of priority, preferably by the end of July 2010.

(*Signed*) **BAN** Ki-moon

United Nations S/2010/385

Security Council

Distr.: General
15 July 2010

Original: English

Letter dated 15 July 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that your letter dated 9 July 2010 (S/2010/384) concerning your intention to seek to negotiate and conclude with the Government of Sierra Leone an agreement establishing a residual mechanism for the Special Court for Sierra Leone, and a statute of the residual mechanism, has been brought to the attention of the members of the Security Council. The members have taken note of the intention expressed in the letter and agree to the proposed manner of proceeding.

(*Signed*) Joy **Ogwu**
President of the Security Council

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